

REMARKS

In response to the Final Office Action mailed April 20, 2006 and Advisory Action mailed August 21, 2006, Applicants respectfully request reconsideration. Claims 1-41 were previously pending in this application with claims 1, 27 and 41 being independent claims. Claims 1-5, 17-22, 27, and 36-41 have been amended. No new matter has been added.

I. Telephone Interview with the Examiner

Applicants' representative, Melissa A. Beede, thanks Examiner Le for her courtesy in conducting a telephone interview held on May 9, 2006. During the interview, Applicants' representative discussed with the Examiner the rejections under 35 U.S.C. §112. Specifically, Applicants' representative discussed with the Examiner the reasons for the rejections, and proposed language to clarify the claims. In particular, the language added herein to each of the independent claims was discussed, and the Examiner indicated that the proposed language appeared to satisfactorily address the rejections under 35 U.S.C. §112.

Applicants' representative also discussed with the Examiner the reasons for the rejections of the claims under 35 U.S.C. §103 having been maintained. The Examiner stated that the rejections were maintained because the limitations added in the prior Amendment had not been given weight. The Examiner indicated that if the rejections under 35 U.S.C. §112 were addressed, the rejections of the claims under 35 U.S.C. §103 would be withdrawn.

II. Rejections under 35 U.S.C. §112

Claims 1-41 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. In particular, the Office Action states that the phrase "not used to represent any detectable condition" recited in claims 1, 27 and 41 is not clear.

Each of independent claims 1, 27 and 41 has been amended based on the discussions with the Examiner during the May 9th telephone interview. In addition, the claims have been amended in view of the further comments provided in the Advisory Action dated August 21, 2006. The amendments are believed to address the rejections under 35 U.S.C. §112. The added

language is clearly supported in the specification as filed, e.g., at page 2, lines 4-12 and page 6, lines 17-28, and no new matter has been added.

In view of the foregoing, withdrawal of the rejections of claims 1-41 under 35 U.S.C. §112, second paragraph, is respectfully requested.

III. Rejections under 35 U.S.C. §103

Claims 1-15, 27-35 and 40, including independent claims 1 and 27, are rejected under 35 U.S.C. §103(a) as being obvious over Daum et al. (U.S. Patent No. 6,826,267) in view of Abali et al. (U.S. Patent No. 6,712,276). Claims 16-26, 36-39 and 41, including independent claim 41, are rejected under 35 U.S.C. §103(a) as being obvious over Daum et al. in view of Abali et al., and further in view of Shaw (U.S. Patent No. 6,563,417).

The rejections under 35 U.S.C. §103 presented in the outstanding Office Action are the same as the rejections under 35 U.S.C. §103 presented in the Office Action dated October 25, 2005. Accordingly, so as not to rehash arguments previously submitted, Applicant simply refers to the Amendment dated January 25, 2006, which is hereby incorporated by reference, and which addressed the rejections of the October 25th Office Action. Although amendments to the claims have been made herein to address the rejections under 35 U.S.C. §112, and thus the pending claims differ from the claims recited in the January 25th Amendment, the rationale for the claims distinguishing over the cited references remains applicable.

Further, as discussed above, the Examiner indicated that if the rejections under 35 U.S.C. §112 were addressed, the rejections of the claims under 35 U.S.C. §103 would be withdrawn.

In view of the foregoing, withdrawal of the rejection of claims 1-41 under 35 U.S.C. §103 is respectfully requested.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: September 26, 2006

Respectfully submitted,

By:

Melissa Beede

Melissa A. Beede
Registration No.: 54,986
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000